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Before the  
Federal Communications Commission  
Washington, D.C. 20054

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Policies and Rules Concerning	)	MM Docket No. 93-48
Children's Television Programming	)	
	)	
Revision of Programming Policies	)	
for Television Broadcast Stations	)	

**Comments of the United States Catholic Conference**

The United States Catholic Conference ("USCC" or "Conference") submits the following comments in the above captioned Notice of Inquiry ("Notice"), released March 2, 1993, by the Federal Communications Commission ("FCC" or "the Commission").

**Interest of the United States Catholic Conference**

The Conference is a nonprofit corporation organized under the laws of the District of Columbia. All active Catholic Bishops in the United States are members of the Conference. The Conference advocates and promotes the pastoral teachings of the Bishops in such diverse areas as education, family life, health care, social welfare, immigration, civil rights, the economy, housing, and communications. When permitted by Commission rules and practice, the Conference participates in agency proceedings of importance to the Catholic Church and its people in the United States. The Conference has participated in proceedings before the Commission involving the Fairness Doctrine, Instructional Television Fixed Service, cable regulation, deregulation of television and radio, and other matters that affect the rights of the public in the use of the scarce national resource of the airwaves. Rulemakings implicating the welfare of children and interests of parents in the upbringing of their children are of particular concern.

**Summary**

In its Notice of Inquiry, the Commission seeks to increase the amount and quality of children's programming. It proposes to do so by clarifying and enforcing a broadcast licensee's

public interest obligation to offer programs to serve childrens' education needs. The Conference urges the Commission to confirm its prior statements defining the public interest obligation, and consistently enforce them. Unless and until the Commission enforces a clear directive to broadcasters to air educational programs, another generation of children will remain neglected by television and the Commission will be forced to revisit this issue in another ten years. Using television to teach children is too important a matter to be addressed by a half-hearted report and no enforcement mechanism.

The neglect of children is an ugly reality in our society. "A particularly influential force [in the lives of children] is the communications media. Too often this powerful cultural force seems less an ally and more an adversary in sharing basic values and helping shape healthy children. With notable exceptions, our children are often exposed to pervasive violence; casual sex; and racial, ethnic, and sexual stereotypes in music, film, and television. We hope media could increasingly reinforce basic values of honesty, compassion, respect for others, and fairness, rather than simply send messages that diminish and distort human life and love." Children and Families First, United States Catholic Conference, 1992.

The public interest obligation of broadcasters to serve children has been clear for decades. The meaning of educational programming has been understood since the beginning of television. Congress spelled out to broadcasters and the Commission in 1990 that educational programs designed for children are an enforceable part of a broadcaster's public interest obligations. The obstacle to providing children's educational television is not a lack of Commission explanations of the public interest obligation to serve children. Rather, the Commission's emphasis in the 1980's on competition over regulatory obligation diluted the importance of the obligations to serve the public interest that is inherent in a television license. Additionally, the Commission has not seriously enforced broadcasters' public interest obligations to children, and broadcasters have relied on that lax enforcement record to shirk their obligations. The Commission can and should remedy this now. The Commission should confirm and expand upon its statements on the obligation to serve the educational needs of children and establish renewal application processing guidelines that suggest a goal of a minimum number of hours per week of childrens educational programs, e.g. seven to ten hours, which if not met, would trigger additional scrutiny if not met by the renewal applicant.

**The Commission Should Confirm Its Previous Statements Explaining Broadcasters'  
Public Interest Obligation to Serve Children and Emphasize That Educational  
Programming Includes Teaching Values and Positive Behavior**

In this Notice, the Commission is seeking to clarify how broadcast licensees must meet that part of their public interest obligation which requires them to serve children. The Commission believes that the lack of an understanding of the kind of educational programs designed to serve children and how such programs fit into a broadcaster's obligation to serve the public interest have hindered broadcasters from complying with the Children's Television Act

of 1990. Notice, paragraph 7. Any misunderstanding is not due to a lack of explanation of the nature of broadcaster's public interest responsibilities or of educational programming. Until 1984, the Commission defined and refined these concepts. Thereafter, the Commission began to downplay its own policies clarifying broadcaster's obligation to serve the child audience when, in the 1980's, it emphasized the role of competition as a substitute for an individual broadcaster's obligations to children. The child audience was just another market, and unless it proved highly profitable, it could be ignored. Service to children was equivalent to selling to children. The Commission should restore its formerly consistent policies and emphasize that

for childrens' programming, believing that competition from other video delivery systems would prod television licensees to offer educational childrens' programs. This reliance on a competitive model failed. Rather than air more educational or informational childrens programs, broadcasters aired more commercials aimed at children, prompting Congress to enact legislation requiring such programs to be aired by television licensees.

In 1990, Congress passed the Children's Television Act, stating in legislative history, "[t]he Commission, in both its 1974 and 1984 Reports, has recognized the unique nature of the child audience and the duty of each television broadcast licensee to serve that audience. This provision in the bill [consideration of children's television service in broadcast license renewal] reaffirms that policy." H. Rep. No. 101-385, 101st Cong., 2d Sess. 5, reprinted at 1990 U.S.

from those programs. H.Rep. No. 101-385, 101st Cong., 2d Sess. 5, reprinted at 1990 U.S. Code Cong. & Ad. News 1605, 1615.

The commercial system of television broadcasting provides incentives only to make a profit from children, not to nurture them. Commercial incentives are necessarily measured and therefore fueled by commercial advertising revenue. Only those childrens programs which advertisers can use to target children are broadcast. Selling to children is the goal. Any educational or social benefit derived from programming is secondary to the success of the commercial venture. It is precisely because economic incentives lead to results beneficial to advertisers and broadcasters, but harmful to children that legislation and regulation are needed.

The Conference urges the Commission to expand its prior statements defining the public interest obligation to serve the child audience. To assist in this effort, the Conference conducted a survey of educational, cultural, religious and informational television program producers. Congress intended to leave broadcasters with discretion in choosing the type of educational programs which will fulfill their obligation to serve the child audience. H. Rep. No. 101-385, 101st Cong., 2d Sess. 5, 1990 U.S. Code Cong. & Ad. News 1605, 1622. The program producers surveyed by the Conference indicate that broadcasters have abundant ways of meeting their responsibility to the child audience.

Based on the survey results, the Conference recommends that the Commission require broadcasters to air programs specifically intended to educate children in the age ranges 3-6, 7-10, 11-13 and 14-16 during those times of day many children watch television -- weekend mornings, afternoon and early evenings. Broadcasters can only meet their public interest obligations to children by airing educational programs created expressly to inform, not created merely to entertain. Programs which inform are those expressly intended to contribute to the positive growth of the child's cognitive/intellectual or emotional/social needs. Response of Nolanda Hill, Corridor Productions. Programs should include discussions about values, morals and positive moral behavior. Our survey identified educational programs as those which inspire, instruct, and enhance the development of children on an intellectual, spiritual and social level. Finally, unless broadcasters report that some of these programs air regularly, the Commission must expressly consider denial of a renewal application.

#### **The Commission Should Enforce Program Requirements With Renewal Processing Guidelines**

Enforcement of broadcasters' program obligations is integral to the Children's Television Act. "The essential element of this Section [consideration of children's television service in broadcast license renewal] is that broadcasters, as public trustees, serve the educational and informational needs of children, and that they report their efforts in this respect not only in the public file but also to the Commission, which must take such efforts into account in reviewing broadcaster's applications for renewal of license." H. Rep. 101-285, 101st Cong., 2d Sess. 5,

1990 U.S. Code Cong. News 5 1605, 1622. (emphasis added). Congress emphasized a broadcaster must prove to the Commission that it has fulfilled its public interest obligation. The broadcaster "must demonstrate that it has served the child audience with programming which is designed to meet their unique educational and informational needs, taking into account the special characteristics of various segments of the child population." Id.

An understanding of how to serve the needs of children with programs that inform has been available to broadcasters for years. The Commission should concentrate now on enforcement methods. The Commission's proposal to establish staff processing guidelines specifying that unless a broadcaster's renewal application demonstrates that it has aired a minimum number of hours of educational programming for children per week, such as seven to ten hours, the renewal will be subject to increased scrutiny is consistent with Congressional intent. The Commission must be willing to deny renewal, or renew only with additional reporting requirements, to licensees which do not document that they have met their obligation to serve the needs of children. Less than that will not accomplish needed reform.

### Conclusion

For decades, the Commission has "clarified" broadcaster's obligation to serve the child audience through informational programming. Several generations of children have grown into